



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 12, 2007

Via Hand Delivery

The Honorable Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
9/17/07

Re: *United States v. Carlos Pena Ontiveros, et al.*
07 Cr. 804 (RJS)

DATE FILED: 9/17/07

Dear Judge Sullivan:

On August 22, 2007, an indictment was issued against defendants Carlos Pena Ontiveros and Silvestre Rico Beltran, and the case was assigned to the Honorable Shirley Wohl Kram. Pursuant to Judge Kram's referral, both defendants were arraigned in Magistrate Court on September 7, 2007 by the Honorable Gabriel W. Gorenstein. At the arraignment, Magistrate Judge Gorenstein excluded time under the Speedy Trial Act until September 21, 2007.

The first pre-trial conference before Your Honor has been scheduled for September 26, 2007, at 3:00 p.m. The Government respectfully requests that time be excluded from September 21, 2007, until September 26, 2007, under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) to permit the Government to gather and produce discovery and because the ends of justice outweigh the defendants' and the public's interest in a speedy trial. I have spoken to counsel for both defendants, and each has indicated that there is no objection to this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:
Brendan R. McGuire
Assistant United States Attorney
212.637.2220

*Searched
R. McGuire
USDJ
9/13/07*